

REMARKS

Previously presented claims 1, 3, 4, 6-10, 12, 13 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kaupert alone or in combination with Thayer. Claims 7 and 11 were objected to. Claims 7 and 11 have been amended so as to be in independent form. All remaining claims have been cancelled. Claims 19-25 have been newly added. Reconsideration and further examination is respectfully requested.

In response to prior Office Actions issued with respect to this application, Applicant indicated that claims of the present invention are limited to a parachute attached to a fishing line. Applicant indicated his understanding that the term “parachute” has a commonly understood meaning and that the cited art did not teach or suggest a “parachute.” On the other hand, the examiner has taken the position that a parachute only has meaning in air which is not applicable to use in water. In the present Office Action, the claims are again rejected in light of art which does not disclose a parachute. In order to expedite prosecution of this application, Applicant has cancelled all rejected claims and submits new claims which do not recite a “parachute.” The present claims distinguish over the cited art and are in condition for allowance.

Claims 7 and 11 were objected to, but were considered to contain patentable matter. These claims have been amended to place them in independent form and to retain the patentable matter. Accordingly, these claims are in condition for allowance.

Newly added claim 19 patentably distinguishes over Kaupert and Thayer. Claim 19 recites a fishing device including a flexible sheet having a center and periphery. Suspension lines are connected between the periphery of the flexible sheet and a first connector on a line of the fishing device. A swivel also connects the center of the flexible sheet to the line at another

location. Neither Kauper nor Thayer teaches suspensions lines connecting a periphery of a flexible sheet to a line nor a swivel connecting a center of a flexible sheet to the line.

Kaupert discloses a water scoop which has an umbrella type structure. The structure includes a plurality of stiff ribs. A flexible, foldable skin covers the ribs. The ribs allow the structure to open and close like an umbrella. The structure includes a rod positioned between the ribs. Guy wires may attach the end of the ribs to the rod to strengthen the structure. In a second embodiment, the rod is omitted because the ribs are replaced with stiff plates. The plates open and form the umbrella shape. The ribs are locked into place with respect to the rod or leader to prevent movement in an open position.

Kaupert does not disclose, teach or suggest a flexible sheet with suspension lines connecting a periphery of the sheet to a connector on a line. Kaupert teaches the use of stiff ribs to provide a shaped scoop. In order to further stiffen and support the ribs, they can be connected to a center rod with guy wires. Nothing in Kaupert suggest a flexible sheet having a periphery connected to a line with suspensions lines. Furthermore, Kaupert does not disclose, teach or suggest a swivel connecting a center of a flexible sheet to a line. Kaupert provides a fixed and locked position for the ribs in order to prevent rotation or movement. Nothing in Kaupert suggest a swivel to connect the scoop to the rod or lead. Therefore, claim 19 patentably distinguishes over Kaupert and is in condition for allowance.

Similarly, Thayer does not disclose, teach or suggest the present claimed invention. Thayer is relied upon in the Office Action solely as disclosing a two part container. As with Kaupert, Thayer does not suggest a flexible sheet having suspension lines connecting a periphery to a line nor a swivel connecting a center of the flexible sheet to the line.

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Claims 20-25 depend from claim 19 and are allowable for at least the same reasons.

Therefore, all remaining claims are in condition for allowance.

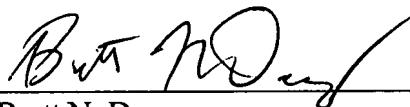
Applicants have made a diligent effort to place the claims in condition for allowance.

However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Brett N. Dorny, Applicant's Attorney at 508-709-0501 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

  
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